

Application No. 09/998,855
Docket No. 2000U055.US
Reply to Office Action Dated March 19, 2004

Remarks

Specification

Page 4, paragraph [0010] is objected to. The U.S.S.N. are replaced with the issued US Patent numbers.

New Claims

New claims 19 and 20 are added, support for which is found at page 21, paragraph [0087] of the specification as filed. No new matter is added.

Restriction

The Applicant confirms election of Group I claims (claims 1-8), and cancels the other claims 9-18.

Section 112, ¶ 2 Rejections

Claims 1-5 and 8 were rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. The Applicant amends some claims, and traverses other rejections with the comments below.

Claim 1 is clarified by deleting the phrase "in combination, or made from". Further, to make the language of the claim consistent with that in the specification, the word "system" is deleted.

Claim 2 is amended to make "groups" singular; the term "organometallic compound" is also deleted, as it should be understood from the term "gelling agent" in claim 1 that such organometallic agents described in the specification that are capable of forming a gel as described are included therein in the claim.

The Examiner also objected to use of the terms "type" and "derivative". The Applicant traverses this rejection, as one skilled in the art would know what is meant by "amino acid-type gelators" and "steroid and anthryl derivatives", as it is very well known in the art that the former would include compounds capable of forming a gel as described

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that includes in its chemical structure an amino-acid moiety. Amino acids are well known compounds and it would be readily recognized what a compound including such structures would entail. Further, steroid and anthryl moieties are very common in the art, and it would be readily understood what "derivatives" of such moieties would look like. The Applicant contends that the terms "amino-acid", "steroid" and "anthryl" are precise and definite as required by *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

Thus, the Applicant requests that these rejections be withdrawn.

Section 102 Rejections

Claims 1, 4 and 6-8 were rejected under 35 U.S.C. § 102(b) as anticipated by each of JP 52-128985 (*Chisso*), US 3,919,185 (*Takebe*), and US 5,034,481 (*Funk*). The Applicant traverses this rejection, as these references do not disclose the claimed invention.

In particular, the term "gelling agent" is clarified by the following language added to Claim 1 and Claim 6, "wherein the at least one gelling agent forms thermally-reversible viscoelastic liquid-like or solid like materials in organic liquids", derived from the specification as filed at page 19, paragraph [0075]. No new matter is added.

Chisso discloses a suspension polymerization process wherein the "aq. medium contg. a dispersing agent and an oil-soluble polymerization initiator". It is not clear that a "gelling agent" as claimed is described therein. Further, there is no mention in the *Chisso* abstract of a polymerization catalyst being combined with a gelling agent as claimed.

Takebe discloses the use of "polyvalent metal salt" added to the polymerization reactor and/or medium. The specification states at col. 3, lines 32 that "This invention is characterized by the addition of a modifier of a polyvalent metal salt . . . in the slurry polymerization system". Further, at col. 4, lines 56, it is stated that "the point at which the polyvalent metal salt modifier is added is not critical. The modifier can be added to the diluent before initiation of the polymerization, or at the time of the initiation . . ."

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There is no unequivocal disclosure of using the "polyvalent metal salt" as part of the catalyst system itself.

Funk discloses the use of chromium based antistatic agents, which are not shown to be equivalent to the claimed "gelling agents", or act in the same manner. It should be clear from Applicant's definition of "gelling agent" that a chromium salt is excluded therefrom.

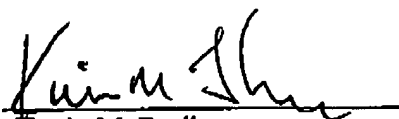
The Examiner has not shown that the cited references particularly disclose the Applicant's claimed invention, as the "gelling agent" of Claim 1 and 6 must be interpreted in light of the specification as filed when considering the claim language in light of the prior art. The Applicant believes that the invention as claimed is not disclosed by *Chisso*, *Takebe* or *Funk*. Thus, the Applicant requests that these rejections be withdrawn.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

Date

3/29/04


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